

Town of Concord

Office of the Town Clerk
22 Monument Square
P.O. Box 535
Concord, Massachusetts 01742-0535

*****Subject to Approval of the Attorney General*****

ANNUAL TOWN MEETING APRIL 12-15, 2015

ZONING BYLAW AMENDMENT – LOT WIDTH

ARTICLE 12. Upon a **MOTION** made by John Canally, Jr. and duly seconded, the following was **VOTED**:

To amend the Zoning Bylaw **Interpretation Section 6.2.5 Lot Width** to insert the phrase "in addition to the required frontage," before the phrase "a width of not less" in Section 6.2.5 so that the section reads as follows:

Lot width: Each lot shall have, in addition to the required frontage, a width of not less than eighty (80) percent of the required frontage at all points between the sideline of the right-of-way along which the frontage of the lot is measured and the nearest point on the front wall of the dwelling upon such lot and, that the angle formed by the intersection of the side lot line and the sideline of the right-of-way shall not be less than 45 degrees. Such width shall be measured along lines, which are parallel to such sideline.

Passed by a Declared Two-Thirds Majority Vote
April 12, 2015

A True Copy Attest:

Anita S. Tekle
Town Clerk



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ANNUAL TOWN MEETING APRIL 12-15, 2015

ZONING BYLAW AMENDMENT – EARTH REMOVAL & PERSONAL WIRELESS COMMUNICATION

ARTICLE 13. Upon a **MOTION** made by John Canally, Jr. and duly seconded, the following was **VOTED**:

To amend the Zoning Bylaw to insert reference to the Town's Wetlands Bylaw in **Section 7.5 Earth Removal** and **Section 7.8 Personal Wireless Communication Facility** as follows:

Amend **Earth Removal Section 7.5.2.3 Wetlands Protection Act** to insert twice the phrase "and the Town's Wetlands Bylaw" following the phrase "Wetlands Protection Act" so that Section 7.5.2.3 reads as follows:

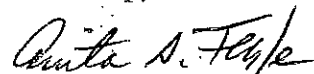
Section 7.5.2.3 Wetlands Protection Act and the Town's Wetlands Bylaw: Removal pursuant to an order of conditions issued under the Wetlands Protection Act (G.L. c. 131 sec.40) and the Town's Wetlands Bylaw when such removal is incidental to a use permitted without review by the Board in the Flood Plain Conservancy District.

Amend **Personal Wireless Communication Facility Section 7.8.4.2(j) iv. General Requirements** to insert at the beginning of the Section the word "Town," and delete the word "a" prior to the word "Massachusetts" so that Section 7.8.4.2(j) iv. reads as follows:

Section 7.8.4.2(j) iv. Town, Massachusetts or federally regulated bordering vegetated wetland;

Passed by a Declared Unanimous Vote
Consent Calendar
April 12, 2015

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**ANNUAL TOWN MEETING
APRIL 12-15, 2015**

ZONING BYLAW AMENDMENT WETLANDS CONSERVANCY DISTRICT

ARTICLE 14. Upon a **MOTION** made by John Canally, Jr. and duly seconded, the following was **VOTED:**

To amend the Zoning Bylaw **Wetlands Conservancy District Section 7.3.1 Definition** and **Section 7.3.2 Purpose** as follows:

Amend **Section 7.3.1 Definition** to insert the words "hydrology, and" after the words "wetland soils", to insert the word "wetland" after the phrase "the presence of", to insert the phrase "can tolerate" prior to the phrase "the presence of water", to insert the phrase "have been mapped as" prior to the last word "wetlands", to strike the word "or" prior to the phrase "the presence of", to strike the word "require" following the phrase "plant communities, which", to strike the phrase "the growing season, or for seven (7) to nine (9) months of" following the phrase "for a significant portion of", and to strike the word "are" following the phrase "areas within the Town, which" so that Section 7.3.1 reads as follows:

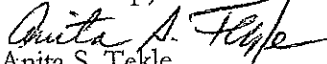
Section 7.3.1 Definition: Wetlands are wet meadows, marshes, swamps, bogs, and areas of flowing or standing water. Wetlands are characterized by the presence of wetland soils, hydrology, and the presence of wetland plant communities, which can tolerate the presence of water at or near the ground surface for a significant portion of the year. The Wetlands Conservancy District consists of areas within the Town, which have been mapped as wetlands.

Amend **Section 7.3.2 Purpose** to insert the phrase "Town's Wetlands Bylaw and the" following the phrase "wetlands in accordance with the" and the phrase "and/or Town Wetland Bylaw" at the end of the Section so that Section 7.3.2 reads as follows:

Section 7.3.2 Purpose: The purpose of the Wetlands Conservancy District is to provide preliminary wetlands information in a zoning context for planning purposes without the requirement of delineating actual wetlands in accordance with the Town's Wetlands Bylaw and the Commonwealth of Massachusetts Wetlands Protection Act. Development of a site or property that has wetlands located thereon shall be required to comply with any Order of Conditions issued under the Wetlands Protection Act and/or Town Wetland Bylaw.

Passed by a Declared Unanimous Vote
Consent Calendar
April 12, 2015

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ANNUAL TOWN MEETING APRIL 12-15, 2015

ZONING BYLAW AMENDMENT – RESIDENTIAL CLUSTER DEVELOPMENT OPEN SPACE

ARTICLE 15. Upon a **MOTION** made by Brooke Whiting Cash and duly seconded, the following was **VOTED**:

To amend the Zoning Bylaw **Residential Cluster Development Section 9.2.4 Open Space** to insert at the end of that Section the phrase “At least 50% of the area of required open space shall be upland (land that is not within the Flood Plain Conservancy District or freshwater wetlands as defined under the Town’s Wetlands Bylaw and the Wetlands Protection Act)” so that Section 9.2.4 reads as follows:

9.2.4 Open Space. The area of the open space shall equal at least fifty (50) percent of the total area of the Residential Cluster Development tract. At least 50% of the area of required open space shall be upland (land that is not within the Flood Plain Conservancy District or freshwater wetlands as defined under the Town’s Wetlands Bylaw and the Wetlands Protection Act).

Passed by a Declared Near Unanimous Vote
April 12, 2015

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**ANNUAL TOWN MEETING
APRIL 12-15, 2015**

**ZONING BYLAW AMENDMENT – PLANNED RESIDENTIAL
DEVELOPMENT OPEN SPACE**

ARTICLE 16. Upon a **MOTION** made by Brooke Whiting Cash and duly seconded, the following was **VOTED**:

To amend the Zoning Bylaw **Planned Residential Development Section 10.2.9 Common Open Space** to insert at the end of that Section the phrase “and the Town’s Wetlands Bylaw” and **Section 10.3.4.2(a) Preliminary Site Development and Use Proposal** to correct the section reference from Section 10.3.1.1 to Section 10.4.1.1 so that each section reads as follows:

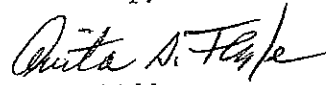
10.2.9 Common Open Space: All land within the PRD tract which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as yards, patios, gardens, or similar areas for exclusive or shared use by the residents, shall be common open space. The area of the common open space shall equal at least twenty-five (25) percent of the total area of the PRD tract. At least 50% of the area of common open space shall be upland (land that is not within the Flood Plain Conservancy District or freshwater wetlands as defined under the Wetlands Protection Act and the Town’s Wetlands Bylaw.

10.3.4.2 Preliminary Site Development and Use Proposal: Any person who desires to submit an Alternative PRD proposal to Town Meeting shall prepare a development statement and plans consisting of the following:

- (a) A development statement consisting of a preliminary written proposal meeting the requirements of Section 10.4.1.1;

Passed by a Declared Unanimous Vote
Consent Calendar
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ANNUAL TOWN MEETING APRIL 12-15, 2015

ZONING BYLAW AMENDMENT – RESIDENCE A & AA BUILDING HEIGHT & DIMENSIONAL TABLE

ARTICLE 17. Upon a **MOTION** made by John Cratsley and duly seconded, the following was **VOTED**;

To amend the Zoning Bylaw **Section 6.2.11 Height and Table III Dimensional Regulations** as follows:

Amend **Section 6.2.11 Height** to insert in the third and fourth paragraph the phrase "Residence AA, Residence A" prior to the phrase "Residence C and Residence B Districts" so it reads as follows:

6.2.11 Height: The height of a building shall be measured as the vertical distance from the mean ground level of each side of the building to either the highest point of the exterior in the case of a flat roof or to the mean average finished grade between the plate and the ridge in the case of a pitched roof. Chimneys, spires, towers, and other projections not used for human occupancy or storage may extend above the height limits herein fixed except wind turbine facilities, which can only exceed the maximum height requirement by special permit granted by the Board.

In the Medical-Professional District south of Route 2, no portion of a building shall exceed thirty-five (35) feet in height unless such portion sets back from each street and such Medical-Professional District boundary line an amount equal to the sum of (1) the applicable minimum yard requirement and two (2) feet for each foot of height in excess of thirty-five (35) feet, provided that in no case shall any portion of a building exceed one hundred ten (110) feet in height.

In the Residence AA, Residence A, Residence C and Residence B Districts, the height of a building shall be measured as the vertical distance from the 'base elevation' to the peak of the roof, or the highest point of the exterior in the case of a flat roof. The 'base elevation' is the average of the elevations of the ground where the two corners of the lowest foundation wall of any existing structure meet the ground. In the absence of an existing structure, the base elevation shall be the average elevation (measured as indicated in the previous sentence) of the ground at the location on the site where the new building is to be placed, prior to any grading or mounding.

The Board may grant relief from the above definition for the height of a building in the Residence AA, Residence A, Residence C and Residence B Districts provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

In the Residence C and Residence B Districts any part of the principal structure that extends into the three (3) foot side yard exception as defined in subsection 6.2.7 shall be no greater than fifteen (15) feet in height.

In the West Concord Business and West Concord Village Districts, the minimum height of the side and rear portions of a principal building shall be fifteen (15) feet; the front façade shall have a minimum height of eighteen (18) feet.

Amend **Table III Dimensional Regulations** to insert Footnote #2 in the Maximum Height in Feet Column for Residence AA and Residence A and amend Footnote #2 to include Residence AA and Residence A so it appears as follows:

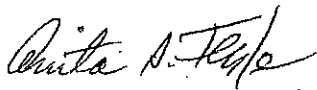
CONCORD ZONING – TABLE III – DIMENSIONAL REGULATIONS

<i>Zoning Districts in Feet</i>	<i>Maximum Height</i>
Residence AA	35 ²
Residence A	35 ²

² Refer to Zoning Bylaw Subsection 6.2.11 for Residence AA, A, B and Residence C Districts

Passed by a Declared Near Unanimous Vote
April 12, 2015

A True Copy Attest:



Anita S. Tekle
Town Clerk

